



Making San Francisco Bay Better

Comment Set 38

April 13, 2006

Valerie Van Way
California State Lands Commission
100 Howe Street, Suite 100-South
Sacramento, CA 95825

SUBJECT: Draft Environmental Impact Report for the Chevron Richmond Long Wharf
Marine Terminal Lease Consideration
BCDC Permit File No. 16-73; SCH#: 1998112080

Dear Ms. Van Way:

Thank you for the opportunity to comment on the *Draft Environmental Impact Report for the Chevron Richmond Long Wharf Marine Terminal Lease Consideration* (DEIR). Although the San Francisco Bay Conservation and Development Commission (Commission) has not reviewed the document, the following are staff comments based on our review of the DEIR in the context of the Commission's authority under the McAteer-Petris Act (California Government Code Sections 66600 et seq.) and the federal Coastal Zone Management Act and the provision's of the Commission's *San Francisco Bay Plan*. The Commission has jurisdiction over San Francisco Bay generally from the Golden Gate to the south end of the Bay and to the Sacramento River line; a shoreline band of territory extending inland 100 feet from the Bay shoreline; certain tributary waterways; salt ponds; and areas diked from the Bay and managed as wildlife refuges and duck clubs. Within the Commission's jurisdiction, any person or governmental agency wishing to place fill, to extract materials, or make any substantial change in use of any water, land or structure must first secure a permit from the Commission.

The DEIR addresses the proposed 30-year extension of the lease for the Chevron Richmond Long Wharf Marine Terminal. No fill, extraction of materials or substantial change in use of any water, land or structure is proposed as part of the proposed lease extension. Therefore no Commission permit is required for the lease extension; however, we note that there is discussion in the DEIR of possible future work at the Long Wharf that would require a permit from the Commission. Consequently, our comments will focus on the consistency of the continued use of the Long Wharf if the lease is extended with the use of the area designated in the San Francisco Bay Plan and the issues that should be addressed if work is proposed in the future at the Long Wharf as discussed in the DEIR.

The Final EIR Regulatory Setting section should correct the citation of the legislation the Commission follows in reviewing proposed projects. The DEIR incorrectly characterizes some of the responsibilities of the Commission in its Regulatory Setting discussion (Section 4.1.2): review of projects and oil spill-related regulations proposed for San Francisco Bay are reviewed by the Commission for consistency with the McAteer-Petris Act and not the Coastal Act.

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